

REMARKS

In the Office Action, dated September 24, 2002, the Examiner states that Claims 1-20 are pending, Claims 1-20 are rejected, and Claim 21 is withdrawn from consideration. By the present Amendment, Applicant amends the claims.

In the Office Action, Claims 1-8, 10, 13, 19 and 20 are rejected under 35 U.S.C. §102(b) as anticipated by Whiteside (US 3,330,598), and Claims 9, 11, 12 and 14-18 are rejected under 35 U.S.C. §103(a) as unpatentable over Whiteside in view of Brotherston (US 5,868,461). In response to that Office Action the Applicant filed an amendment to overcome some 35 U.S.C. §112, second paragraph rejections, and again argued the position that none of the cited references discloses the claimed feature that each bladder is charged with air prior to use such that the amount of air in the bladder is not greater than 60% of the maximum contained volume of the bladder. The Advisory Action dated January 6, 2003 indicated that the claims were still rejected because the Patent Office maintained its position that the Whiteside reference teaches bladders which can be selectively pressurized prior to use (column 2, lines 22-35).

The Applicant's attorney interviewed Examiner Dennis Dorsey on February 11, 2003 to better explain the Applicant's position. The Applicant considers that the Whiteside reference does not read on the claims in the present application because Whiteside teaches that the bladder necessarily must be pressurized.

Column 2, lines 22-35 of Whiteside state:

Seat-adjustment effects are illustrated in FIGS. 2 through 5, wherein an occupant 36 is indicated as seated on the seat 10. As illustrative of one adjustment, a comparison of FIGS. 2 and 3 indicates a height-adjustment attainable by selected variation in both compartments 18 and 20, FIG. 3 indicating a greater pressure having been applied to those compartments than in FIG. 2.

FIG. 4 illustrates another adjustment, wherein a rearward posture-support is attained by relatively high pressurization of compartments 18 and 22 in comparison to that of compartments 20 and 24.

FIG. 5 conversely, illustrates a forward posture-support by relatively high pressurization of compartments 20 and 24 in comparison to that of compartments 18 and 22.

Thus, the Applicant agrees with the rejection that Whiteside does teach selectively pressurizing the bladders (compartments). As clearly stated above, some of the compartments have a relatively higher pressurization as compared to other compartments. Therefore, all the compartments in Whiteside are pressurized, some greater than others, with respect to the surrounding air pressure (atmosphere pressure). This is absolutely different from the claimed invention in which the bladders are not pressurized prior to use.

Claim 1 states that the amount of air in the bladders is not more than 60% of the maximum contained volume of the bladder. If less than 100% of the maximum contained volume of the bladder is charged with air it necessarily is reasoned that the air in the bladder is at the same pressure as the surrounding atmospheric pressure and is not pressurized. It is further reasoned that an unrestricted bladder/compartment which is pressurized, such as disclosed in Whiteside, would necessarily be expanded to 100% of the maximum contained volume of the bladder/compartment, or 100% of the restricted volume.

During the interview the Applicant proposed a clarifying amendment to the claims to specifically indicate that the bladders are not pressurized prior to use. The Examiner indicated that a Request for Continued Examination (RCE) may be necessary since such an amendment introduces new matter which would require a further search and/or consideration by the Examiner. The Applicant now submits that same amendment. However, the Applicant does not believe that a RCE is required since the amendment merely clarifies the claims and introduces no new matter.

The Applicant suggests that if a further search is deemed necessary by the Patent Office, that the finality of the September 24, 2002 Office Action be removed so a further search may be made. The Applicant feels that if a further search is necessary, that the search should be made, in the best interest of a strongly examined patent, without the cost of the search being born by the Applicant filing a RCE.

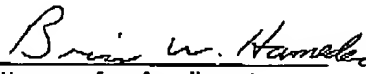
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The Applicant asks that the Examiner contact the undersigned attorney as soon as this amendment is considered to inform whether the application has been allowed or the finality of the Office Action been removed, so that the Applicant may timely file a RCE or Notice of Appeal if necessary.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date


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